

**HIGH COURT OF TRIPURA  
AGARTALA  
LA APP NO.98 OF 2023**

The General Manager Project

..... **Appellant(s)**

Vs.

Sri Jagadish Chandra Lodh

..... **Respondent(s)**

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For the Appellant(s) : Mr. Samrat Ghosh, Advocate.

For the Respondent(s) : None.

Date of hearing and delivery of  
Judgment & Order : 18.10.2023.

Whether fit for reporting : NO.

**HON'BLE MR JUSTICE T. AMARNATH GOUD  
JUDGMENT AND ORDER(ORAL)**

This present appeal has been filed under Section 54 of the Land Acquisition Act, challenging the legality, propriety, and validity of the Judgment and Award dated 22.11.2022 passed by the learned L.A. Judge, West Tripura, Agartala in Case No.Misc. L.A.77 of 2017.

2. The brief fact of this case is that vide notification No.F.9(7)-REV/ACQ/XIV/2004 dated 16.03.2004, three pieces of land of the respondent-claimant was acquired by the L.A. Collector, West Tripura, Agartala. The said land of the respondent-claimant is situated under the Mouja Dukli under Sheet No.02/p, under West Tripura District having Khatian No.1230/1, Plot Nos.5510/p, 5511/p and 5467/p and are classified as Bastu(Nal), Pukurpar(Nal) and Nal respectively and all these land measured upto 0.54 acres collectively.

3. At the time of the acquisition, L.A. Collector, assessed the value of the land at Rs.6,25,000/- and Rs.5,00,000/- per acre with statutory benefits.

4. The respondent-claimant accepted the compensation but being unsatisfied with such award, filed objection and made a reference under Section 18 of the L.A. Act, 1894 before the L.A. Collector West Tripura, Agartala. However, L.A. Collector further referred the case to the Court of learned Judge, West Tripura, Agartala for proper adjudication.

5. The appellant herein contested the claim by filing a counter-statement before the learned Court of L.A. Judge, stating *inter alia* that the claimant respondent has been paid appropriate compensation as per the market value of the land and considering the relevant documents along with mandatory provisions of the L.A. Act, 1894. The L.A. Collector, West Tripura has also submitted its counter statement in similar terms.

6. After hearing both the parties, vide its impugned Judgment & Award dated 22.11.2022, the learned L.A. Judge, enhanced the rate of compensation to Rs.10,00,000/- per kani for the acquired land along with statutory benefits.

7. Heard Mr. S. Ghosh, learned counsel appearing appellant. Despite several opportunities given, there is no representation on behalf of the respondents

8. Mr. S. Ghosh, learned counsel appearing for the appellant submits that in the present case, the land in question which was

acquired by the appellant from the respondent-claimant is non-commercial areas and cannot be compensated with such higher rates. The fact of the present case is squarely covered by the Judgment and Order passed by this Court in LA App No.30 of 2022 dated 10.05.2023. This Court in L.A. App No.30 of 2022 reduced the amount of compensation of Rs.8,00,000/- per kani granted by the L.A. Court to Rs.3,00,000/- per kani.

9. Accordingly, in view of the above submission, this present appeal filed by the appellant-The General Manager (Project) National Highway Infrastructural Development Corporation Ltd., is allowed to the extent indicated above in terms of the Judgment and Order dated 10.05.2023 passed in L.A. App No.30 of 2022.

10. Registry is directed to enclose the copy of the Judgment and Order dated 10.05.2023 passed in L.A App No.30 of 2022 along with this instant appeal.

11. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

**JUDGE**

suhanjit

RAJKUMAR  
SUHANJIT  
SINGHA

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SUHANJIT SINGHA  
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